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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
EXAMINER				
PYZOCHA, MICHAEL J				
ART UNIT		PAPER NUMBER		
2137				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/516,402

Applicant(s)

AMIT ET AL.

Examiner

MICHAEL PYZOCHA

Art Unit

2137

**Period for Reply**  
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No./Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-21 are pending. Claims 1-10 have been considered. Claims 11-21 are withdrawn from consideration.
2. Response filed 10/31/2007 has been received and considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer (US 6141423).

As per claim 1, Fischer discloses sending a request for network account credentials from an originating account associated with an unpublished object at a dispatch associated with a published object, the request directed to the published object associated with the dispatch includes identification of the unpublished object associated with the originating account (see column 10 lines 14-42); authenticating the originating

account at the dispatch (see column 11 lines 4-16); and, upon authenticating the originating account, sending an emblem that includes an object and credential, for a network account to the originating account, the emblem sent to the unpublished object associated with the originating account and having the identification as included with the request (see column 12 lines 12-18 and Figures 4 and 6).

As per claim 4, Fischer discloses that each of the published and unpublished objects are files (see column 10 lines 14-42 and Figures 4 and 6).

As per claim 5, Fischer discloses that the emblem comprises a token (see Figure 4).

As per claim 8, Fischer discloses the network account for which the emblem is sent from the dispatch to the originating account comprises an agent account of an agent (see column 11 lines 4-16 and column 12 lines 12-18).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer.

As per claim 2, Fischer discloses that both the request and emblem are encrypted. However, Official Notice is taken that at the time of the invention it would have been obvious for the request to be unencrypted. Motivation to do so would have been that processing unencrypted requests is faster.

As per claims 3 and 4, Examiner takes official notice that message queues and files are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize message queues or files in order to store or transport data. It is noted that since Applicant has not traversed the Official Notice the above statements (regarding claims 3 and 4) are taken as admitted prior art (See MPEP 2144.03).

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer as applied to claim 1 above, and further in view of Hoffman et al. (US 5613012).

As per claim 6, Fischer fails to disclose the network account for which the emblem is sent from to dispatch to the originating account comprises a batch account of the dispatch.

However, Hoffman et al. teaches such a batch account (see column 39 line 55 through column 40 line 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include a batch account in the Fischer system.

Motivation to do so would have been to provide a fraud-resistant system that will allow a user to access multiple accounts and procure all services authorized to the user (see Hoffman et al. column 5 line 35 through column 6 line 27).

As per claim 7, the modified Fischer and Hoffman et al. method discloses, sending an emblem for the network account to the originating account comprises remoting a batch account to the originating account, such that the emblem comprises an emblem for the batch account (see Hoffman et al. column 39 line 55 through column 40 line 11).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer as applied to claim 1 above, and further in view of Ault et al. (US 5974566).

As per claim 9, Fischer fails to disclose proxy logging on to an agent and remoting an agent account to the originating account upon proxy log on to the agent, such that the emblem comprises an emblem for the agent account.

However, Ault et al. teaches such proxy logging on (see column 1 line 51 through column 2 line 20).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use proxy logging on in the Fischer method.

Motivation to do so would have been to serve repeated login requests more quickly (see Ault et al. column 2 lines 8-20).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer as applied to claim 1 above, and further in view of Patel et al. (US 6438690).

As per claim 10, Fischer fails to disclose the emblem expiring and renewing the about to expire emblem.

However, Patel et al. teaches renewing expired emblems (see column 8 lines 23-26).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to renew about to expire emblems in the Fischer method.

Motivation to do so would have been to allow the user a convenient method for reminding and renewing information (see Patel et al. column 8 lines 23-26).

***Response to Arguments***

10. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive. Applicant argues that Fischer fails to disclose upon authenticating the originating account, sending an emblem that includes an object and credential, for a network account to the originating account, the emblem sent to the unpublished object associated with the originating account and having the identification as included with the request; the network account for which the emblem is sent from the dispatch to the originating account comprises an agent account of an agent; Burnett fails to teach the limitations of claim 10 and the remaining claims are allowable for the above same reasons as listed above.

With respect to Applicant's argument that Fischer fails to disclose upon authenticating the originating account, sending an emblem that includes an object and credential, for a network account to the originating account, the emblem sent to the unpublished object associated with the originating account and having the identification as included with the request as shown in column 11 lines 17-23 once the applicant is authenticated (i.e. entitled to the secret information) and encrypted value of field 88 of FIG. 4 is sent to the applicant. This encrypted field 88 includes an object (i.e. private identifying



information) and a credential (i.e. secret information e.g. a password). Therefore, Fischer anticipates claim 1.

With respect to Applicant's argument that Fischer fails to disclose the network account for which the emblem is sent from the dispatch to the originating account comprises an agent account of an agent, Applicant refers to many portions of the specification however, these limitations are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's argument with respect to Burnett is moot in view of the new ground of rejection.

Applicant's argument with respect to the remaining claims is moot in view of the above response.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOSHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137